

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:09cr74

UNITED STATES OF AMERICA,)

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vs.

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MARK THOMAS DELMONTE.)

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ORDER

THIS MATTER is before the Court on the Defendant's letter dated December 13, 2010 [Doc. 45], which the Court construes as a motion for reconsideration.

On October 13, 2009, the Defendant pled guilty to several counts of breaking into motor vehicles parked on national lands, in violation of 18 U.S.C. §§ 661 and 1363, and one count of possessing a stolen firearm, in violation of 18 U.S.C. § 922(j). [Doc. 12]. On September 23, 2010, the Defendant was sentenced to twenty-four months' imprisonment on each of Counts 1, 3, 5, 7, 9, 12, 13, 14, 16, 21, 23, 24, 25, 26, and 27 and a term of twelve months' imprisonment on each of counts 17 and 19, all to be served concurrently. [Doc. 31]. At the sentencing hearing, the Court received evidence on the issue of restitution but left the final determination of the

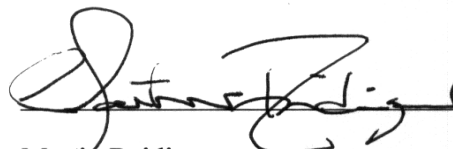
restitution amount open to give the parties time to make additional filings. After these additional filings were made, the Court entered an Order addressing the issue of restitution. [Doc. 39]. An Amended Judgment was entered on November 12, 2010. [Doc. 40].

On December 13, 2010, the Court received the present letter from the Defendant, asking the Court to “re-open sentencing in [his] case based on inadequate representation of counsel” and to reconsider the amount of restitution ordered. [Doc. 45 at 3]. The Court will construe the Defendant’s letter as a motion for reconsideration. After considering this letter and the issues raised therein, the Court denies the Defendant’s motion.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant’s letter dated December 13, 2010 [Doc. 45], which the Court construes as a motion for reconsideration, is **DENIED**.

IT IS SO ORDERED.

Signed: March 23, 2011


Martin Reidinger
United States District Judge

